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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADOPTING THE CITY OF MILPITAS CODE OF ETHICS
AND MILPITAS ETHICS PROGRAM BEHAVIORAL STANDARDS FOR
ELECTED AND APPOINTED OFFICIALS, CITY MANAGEMENT,
SENIOR STAFF AND CANDIDATES FOR PUBLIC OFFICE

WHEREAS, on December 4, 2002, the Community Advisory Commission (CAC) added the topics of Ethical Campaigns and Formation of an Ethics Commission to its proposed 2003 Work Plan; and

WHEREAS, on January 21, 2003, the City Council approved the CAC's proposed 2003 Work Plan recognizing the need to study how public awareness of campaign ethics could be increased; and

WHEREAS, on September 2, 2003, the CAC presented its study recommendations which were approved by Council to draft a Code of Ethics and education program; and

WHEREAS, on January 20, 2004, the City Council approved the hiring of a consultant to prepare and implement an ethics program, including training for City Council Candidates, Elected Officials, Commissioners, and Senior Management Staff; and

WHEREAS, the City Council approved the formation of the Ethics Steering Committee comprised of members of the CAC and senior staff to provide guidance to the consultant in the above task; and

WHEREAS, the City's ethics consultant prepared a citizen survey sent to 1,242 randomly selected Milpitas households to gauge public opinion of Milpitas political campaigns and how City leaders should conduct themselves, the results of which have provided research into the development of an ethics code and program, and

WHEREAS, the City's ethics consultant conducted 44, one-on-one stakeholder interviews to better define the needs to be addressed in an ethics code and program; and

WHEREAS, the CAC hosted four Ethics Code preparation workshops on March 31, April 7, April 22, and May 5, 2004, attended by a total of 171 persons representing the public, city Boards and Commissions, city management and city staff to assist in drafting an ethics code and behavioral standards; and

WHEREAS, prior to forwarding to Council, the Steering Committee and CAC reviewed and approved the draft City of Milpitas Code of Ethics, herein referred to as attached "Exhibit A" and draft Milpitas Ethics Program Behavioral Standards for Elected and Appointed Officials, City Management, Senior Staff And Candidates For Public Office herein referred to as attached "Exhibit B"; and

WHEREAS, the people of Milpitas expect all campaign candidates, elected and appointed officials, City management and senior staff to implement this code as it applies to their work and to be role models, meeting the most demanding ethical standards, demonstrating in word and action that they are living Milpitas' values in best practice,

NOW THEREFORE BE IT RESOLVED that the City of Milpitas has adopted this Code of Ethics and Behavioral Standards to foster public trust and public confidence by promoting and maintaining the highest standards of conduct;

BE IT FURTHER RESOLVED, that the City of Milpitas Code of Ethics and Milpitas Ethics Program Behavioral Standards for Elected and Appointed Officials, City Management, Senior Staff And Candidates For Public Office shall become effective as of the date of this resolution.

PASSED AND ADOPTED this 1st day of June, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

MILPITAS ETHICS PROGRAM THE CODE OF ETHICS

EXHIBIT "A"

May 17, 2004

PREAMBLE

Ours is a government of the people. As neighbors and professional colleagues, we offer our talents and have been chosen to work together to advance our community. We promise to be vigilant in serving the public's interest, to be at our best in advancing the community's good, and to be accountable to the people and the institutions we serve. The City of Milpitas has adopted this Code of Ethics to foster public trust and public confidence by promoting and maintaining the highest standards of conduct. The people of Milpitas expect all elected and appointed officials, candidates for public office, City management, and Senior Staff to follow this Code and to practice its six core values. To gain and keep the people's confidence and trust, we who serve this community or are candidates for public office must be credible role models, and must master the fundamental practices that include, but are not limited to, those described in this Code. We meet the most demanding ethical standards and demonstrate in word and action the deepest commitment to the City's values.

HONESTY

(INTEGRITY, DEPENDABILITY, TRUTHFULNESS)

As I serve Milpitas, I am honest. I keep my word and lead by example. I base my actions on behalf of the City on the best available information. I go out of my way to build trust, and consider carefully the impact of my actions on public confidence. I maintain integrity at all times and consistently do what I believe is in the best interests of this community.

RESPECT

(ACTIVE COMMUNICATION, CIVILITY, RESPONSIVE PUBLIC SERVICE)

As I serve Milpitas, I treat everyone with respect and dignity, the way I would want to be treated. I practice patience, courtesy, and civility even when we disagree. I maintain confidentiality, am sensitive about other people's time, and am careful with the public's property. I listen actively, engage in effective two-way communication, and demonstrate responsive public service.

FAIRNESS

(DUE PROCESS, OBJECTIVITY, IMPARTIALITY)

As I serve Milpitas, I am fair. I treat everyone equitably. I value peoples' right to know, encourage public input, and listen to all sides. I honor due process. I make impartial decisions, using relevant and consistent criteria, caring for special needs, and giving priority to merit.

TEAMWORK

(VALUING DIVERSITY, OPEN-MINDEDNESS, COLLABORATION)

As I serve Milpitas, I emphasize teamwork. I reach out to all individuals and groups, involving them in the process, and partnering with them. I value diversity, seek differing and divergent viewpoints, and ask for and consider all opinions. I recognize that good ideas and better solutions can come from anyone.

STEWARDSHIP

(FISCAL RESPONSIBILITY, ENVIRONMENTAL CONSERVATION, VISION)

As I serve Milpitas, I foster, protect, and conserve the community's financial, environmental, and cultural resources. I practice fiscal responsibility and preserve natural resources. I respect individual rights and uphold the public trust. I am committed to the long-term stability and growth of the community.

ACCOUNTABILITY

(RESPONSIBILITY)

As I serve Milpitas, I hold myself to high standards and am accountable to the public, stakeholders, and other institutions. I am willing to explain my actions and decisions, give and receive criticism, accept consequences, and engage in continuous improvement.

I have read the City of Milpitas Ethics Code and understand its expectations.

Please Print Name

Signature

Date

MILPITAS ETHICS PROGRAM

BEHAVIORAL STANDARDS FOR ELECTED AND APPOINTED OFFICIALS, CITY MANAGEMENT, SENIOR STAFF, AND CANDIDATES FOR PUBLIC OFFICE

INTRODUCTION

The City of Milpitas adopted the *Code of Ethics* to foster public trust and public confidence by promoting and maintaining the highest standards of conduct. The people of Milpitas expect all elected and appointed officials, candidates for public office, City management, and Senior Staff to follow the *Code* and to practice its six core values.

The Code of Ethics describes how City officials and candidates for public office ought to treat citizens and each other. It names six core values and other values which are very closely related to them. Each value is described by an initial set of important character traits and actions visible in people who practice this value. These descriptions are representative of the ethical behaviors associated with this value; they are not a comprehensive listing of all behaviors and traits. As role models, City officials are expected to meet and exceed these basic descriptions.

The Code is meant to guide everyday actions and decision-making. During implementation, workshops will help groups and individuals to develop the skills needed to apply the Code to their particular work. To help that effort, the Council approved the *Code of Ethics* together with the attached *Behavioral Standards*. These behavioral standards provide specific examples of everyday actions and decisions which are consistent with the *Code* and examples of behaviors which are not. This list seeks to describe enough positive and negative behaviors that a reasonable person will be able to judge whether their own behavior is consistent with the *Code of Ethics* or needs to be modified.

This information is presented in five columns:

1	2	3	4	5
Basic Role Model Behaviors	City officials engage in positive behaviors such as:	City officials avoid negative behaviors such as:	Candidates engage in positive behaviors such as:	Candidates avoid negative behaviors such as:

1. The descriptions of the City's core values from the *Code of Ethics* provide a set of basic role model behaviors to master and exceed.
2. City officials build public trust through positive behaviors like these. They demonstrate core values in best practice.
3. City officials undermine public trust through negative behaviors like these. Officials need to develop skills to overcome the stumbling blocks that cause these behaviors.
4. Candidates for office contribute to public trust through these examples of positive campaign behaviors.
5. Candidates damage public trust and often alienate voters through negative campaign behaviors like these.

MILPITAS ETHICS PROGRAM

MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

HONESTY

(INTEGRITY, DEPENDABILITY, TRUTHFULNESS)

As I serve Milpitas, I am honest. I keep my word and lead by example. I base my actions on behalf of the City on the best available information. I go out of my way to build trust, and consider carefully the impact of my actions on public confidence. I maintain integrity at all times and consistently do what I believe is in the best interests of the community.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A	I am honest	<ul style="list-style-type: none"> ▫ Giving complete, factual, unbiased information to the public, co-workers, and the press; ▫ Providing the context and all relevant information so the public can draw accurate conclusions. 	<ul style="list-style-type: none"> ▫ Misleading the public; ▫ "Spinning" the truth for the press; ▫ Intentionally leaving out important pieces of information; ▫ Creating a false impression for the public and others. 	<ul style="list-style-type: none"> ▫ Emphasizing my views, record, experiences, and personal character; ▫ Presenting myself honestly and sincerely; ▫ Providing factual evidence to support claims about my opponent or myself. 	<ul style="list-style-type: none"> ▫ Misrepresenting my opponents' record; ▫ Spreading lies or half-truths; ▫ Presenting facts about my opponent, but not providing accurate context ▫ Lying to the public about my opponent.
B	I keep my word and lead by example.	<ul style="list-style-type: none"> ▫ Keeping my word, fulfilling my promises, and meeting the deadlines I've agreed to; ▫ Being a credible role model for dependability and consistency; ▫ Bringing my actions into alignment with my rhetoric. 	<ul style="list-style-type: none"> ▫ Using my City position to advance my private business; ▫ Promising everything, and saying whatever I think the public wants to hear; ▫ Getting staff to do the work I promised; ▫ Taking credit for others' work. 	<ul style="list-style-type: none"> ▫ Understanding that the best predictor of my behavior as a Council member is how I act as a candidate; ▫ Communicating my ethics commitment clearly to volunteers, supporters, and third parties; ▫ Practicing what I preach. 	<ul style="list-style-type: none"> ▫ Pretending to care about ethics when in public; ▫ Doing whatever it takes to "win at all costs"; ▫ Running an "anything goes" campaign designed to "crush the competition" and anyone else who gets in my way.
C	I base my actions on behalf of the City on the best available information.	<ul style="list-style-type: none"> ▫ Using credible sources of information to further the public's interests; ▫ Sharing information freely; ▫ Explaining why I believe my action is ethical and is in the City's best interests. 	<ul style="list-style-type: none"> ▫ Basing my actions on bias, prejudice, assumptions, gossip, and half-truths; ▫ Acting solely on information provided in private by endorsers, cronies, lobbyists, friends, and those representing one side of an issue. 	<ul style="list-style-type: none"> ▫ Basing campaign promises on solid research; ▫ Getting the facts from my opponent before I respond to a rumor; ▫ Giving citizens the timely, accurate information they need to be informed voters. 	<ul style="list-style-type: none"> ▫ Leaking unreliable, damaging information about my opponents to the press; ▫ Allowing my friends to spread lies, half-truths, and rumors about my opponent, their families, and their policies.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
D	I go out of my way to build trust, and carefully consider the impact of my actions on public confidence.	<ul style="list-style-type: none"> Reaching closure and clarity at the end of meetings so I know who is responsible for following-up and by when; Making a habit of discussing how follow-up actions will build public trust; Doing what I say I'm going to do, and doing it on time; Advancing the community's good even when no one is watching. 	<ul style="list-style-type: none"> Concealing, fabricating, overstating, understating, evading, or denying the truth; Blaming an unpopular decision on someone else even when I've supported it; Ignoring public comments that disagree with me because I assume I always know best; Opposing a constructive idea just because someone you dislike proposed it. 	<ul style="list-style-type: none"> Conducting my campaign openly and publicly, focusing the public's attention on the issues I believe are most important; Making opportunities to debate and raise important issues for my opponent's response; Encouraging the public to draw its own conclusions based on evidence. 	<ul style="list-style-type: none"> Conducting whispering campaigns and spreading rumors to demean my opponent, destroy their reputation, or vilify their family or friends. Using the new Ethics Code as a political weapon and lodging a spurious ethics charge in the last few days of the race.
E	I maintain integrity at all times.	<ul style="list-style-type: none"> Recognizing ethics dilemmas, making solid ethics judgments, and doing the right thing. Being comfortable discussing the ethics reasons behind my actions; Showing moral courage and acting ethically despite the cost to me. 	<ul style="list-style-type: none"> Ignoring ethics issues and avoiding doing the right thing because no one else will know about it anyway; Blaming my mistakes on someone else, a computer glitch, or an "emergency" that just came up. 	<ul style="list-style-type: none"> Putting a plan in place for ethical conduct from the beginning of the race; Making it clear to supporters and third parties what short and long-term action I will take to uphold my commitment to this Code. 	<ul style="list-style-type: none"> Agreeing to let supporters use subtle deceptions, falsifications, or confidential information to give me an edge over my opponent in a tight or losing race; Getting angry and getting even when an opponent attacks me.
F	I consistently do what I believe is in the best interests of the Community.	<ul style="list-style-type: none"> Working hard to advance the City's mission and goals on behalf of the community; Taking both the short and the long view to help the City achieve its vision; Fulfilling my duty to make decisions solely for the community's benefit. 	<ul style="list-style-type: none"> Consistently advancing only my own career, political, or private interests, or those of my supporters; Always taking the short-term view, considering only a few stakeholders, and remaining "ethically neutral" on most issues. 	<ul style="list-style-type: none"> Criticizing the character, record and policies of my opponent which I believe merit such criticism; Relying on documented facts, and honestly presenting the context the public needs to determine the truth; Severing my ties with a third-party group that has destroyed my opponent's reputation. 	<ul style="list-style-type: none"> Conducting my campaign as if I, or my supporters, are exempt from rules of ethics; Hinting to my supporters that "someone should do something" to discredit my opponent; Refusing to comment when a third party destroys my opponent's reputation, I feature them prominently at my victory party.

MILPITAS ETHICS PROGRAM

MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

RESPECT

(ACTIVE COMMUNICATION, CIVILITY, RESPONSIVE PUBLIC SERVICE)

As I serve Milpitas, I treat everyone with respect and dignity, the way I would want to be treated. I practice patience, courtesy, and civility even when we disagree. I maintain confidentiality, am sensitive about other people's time, and am careful with the public's property. I listen actively, engage in effective two-way communication, and demonstrate responsive public service.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A	I treat everyone with respect and dignity, the way I would want to be treated.	<ul style="list-style-type: none"> Speaking and acting toward others in ways that invite their participation and value their contributions; Treating others the way I treat people I hold in high regard. 	<ul style="list-style-type: none"> Presuming bad intentions and ill will, I am negative toward an idea as soon as it comes up; Dismissing others' ideas without due consideration; Holding grudges and seeking revenge. 	<ul style="list-style-type: none"> Believing that my opponent deserves respect as a human being, that we have a common goal to serve the public, are on the same team, and may serve on the same Council. 	<ul style="list-style-type: none"> Treating my opponent and his or her family as if they have no feelings; Harming my opponent's good name and reputation; Holding my opponent's family up to ridicule among their neighbors.
B	I practice patience, courtesy, and civility even when we disagree.	<ul style="list-style-type: none"> Being polite and courteous even during a heated disagreement; Showing by word and deed that I value others' viewpoints; Honoring people's right to express their opinions by listening carefully and responding thoughtfully. 	<ul style="list-style-type: none"> Getting angry and yelling at someone in a public meeting; Being cynical and sarcastic, or making a joke at others' expense; Treating those who disagree with me in a dismissive and condescending manner. 	<ul style="list-style-type: none"> Validating facts; Dismissing rumors; Treating my opponent with respect during debates while challenging him or her on character issues and their record where it has relevance to the job we're seeking. 	<ul style="list-style-type: none"> Allowing my supporters to engage in personal attacks, innuendo, and stereotyping about race, age, sexual orientation, religion, etc.; Breaking the world into "friends" and "enemies" and treating everyone accordingly.
C	I maintain confidentiality.	<ul style="list-style-type: none"> Using information designated as "confidential" only for its intended purpose; Being cautious in promising confidentiality because it may conflict with doing public business in the open. 	<ul style="list-style-type: none"> Using confidential public information for my own gain; Sharing just enough confidential information to impress others with how much I know; Using private information to advance my career. 	<ul style="list-style-type: none"> Being careful with confidential information in my campaign; Holding my campaign workers to the same standard; Being clear on what the public has the right to know. 	<ul style="list-style-type: none"> Directing my consultant to do "whatever it takes" to gather information about my opponent that will discredit him or her; Agreeing to the consultant's plan to break confidentiality to advance the campaign.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
D	I am sensitive about other people's time and careful with the public's property.	<ul style="list-style-type: none"> Coming to meetings on time, prepared and able to address the issues with confidence. 	<ul style="list-style-type: none"> Coming to meetings at the last minute; Distracting others by rustling around to find material I've been sent ahead of time; Making it clear that I'd rather be somewhere else. 	<ul style="list-style-type: none"> Complying with city codes regarding placement of campaign signs; Showing up on time for debates, meetings, and public appearances. 	<ul style="list-style-type: none"> Believing that my candidacy makes me a very important person and that people should understand when I am late or don't show up, or am above the rules.
E	I listen actively, and engage in effective two-way communication.	<ul style="list-style-type: none"> Giving the speaker my undivided attention; Listening and asking questions to understand; Encouraging dialogue and other effective two-way communication strategies. 	<ul style="list-style-type: none"> Being concerned only about my response; Engaging in some other activity while the other person is speaking; Assuming I know what the other person means without asking questions; Interrupting before they are finished and asking, "Are you done?" 	<ul style="list-style-type: none"> Attending to the needs and expressed wishes of potential voters; Understanding that even as a candidate my responses can help inform citizens and contribute to a stronger city and deeper public trust. 	<ul style="list-style-type: none"> Thinking only of what I can say to win votes; Immediately forgetting concerns constituents raised because my only care is that they will remember my name and vote for me.
F	I am responsive and work hard to earn citizen trust.	<ul style="list-style-type: none"> Having a good work ethic, responding in a timely manner and honoring the commitments I've made. 	<ul style="list-style-type: none"> Abusing the public trust by procrastinating, missing deadlines with no explanation, or by being lazy, and not honoring my promises. 	<ul style="list-style-type: none"> Being well-versed in the City's issues and needs; Talking with staff and other experts; Effectively representing my proposed vision of the City. 	<ul style="list-style-type: none"> Relying on rhetoric, rather than facts or history; Engaging in dramatic and negative personal attacks to put myself above my opponents.

MILPITAS ETHICS PROGRAM MILPITAS ETHICS PROGRAM MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

FAIRNESS

(DUE PROCESS, IMPARTIALITY, OBJECTIVE JUDGMENT)

As I serve Milpitas, I am fair. I treat everyone equally. I value people's right to know, encourage public input, and listen to all sides. I honor due process. I make impartial decisions, using relevant and consistent criteria, caring for special needs, and giving priority to merit.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A.	I am fair.	<ul style="list-style-type: none"> ▫ Taking time to gather all the facts so I can make the best decisions; ▫ Making sure that I give equal consideration to all sides of an issue. 	<ul style="list-style-type: none"> ▫ Jumping to conclusions without understanding the facts or circumstances; ▫ Showing favoritism toward employees or projects; ▫ Satisfying my own agenda for personal gain. 	<ul style="list-style-type: none"> ▫ Engaging my opponent on issues of policy, record, and character as long as an objective person would judge these relevant to our future responsibilities. 	<ul style="list-style-type: none"> ▫ Presenting a one-sided case against my opponent on a character issue, leaving the false impression that there is no other side or that the other side has "refused to comment" when the other side was never asked.
B	I treat everyone equally.	<ul style="list-style-type: none"> ▫ Treating all civic concerns with the same impartial interest. 	<ul style="list-style-type: none"> ▫ Paying more attention to friends' projects; ▫ Making decisions based on the "squeaky wheel gets the grease"; ▫ Seeking favorable press, and avoiding anything that would make me unpopular. 	<ul style="list-style-type: none"> ▫ Campaigning the same against all opponents, vigorously raising important issues and encouraging community understanding. 	<ul style="list-style-type: none"> ▫ Attacking my opponent, but also damaging their family's name, making it difficult for their spouse and children to go about normal activities.
C	I honor due process and value people's right to know.	<ul style="list-style-type: none"> ▫ Valuing full legal disclosure and transparency in government while respecting confidential information; ▫ Valuing the time set aside for public comment. 	<ul style="list-style-type: none"> ▫ Making "back room" decisions; ▫ Promising support before all sides have been heard; ▫ Thinking of public comment as a waste of valuable time. 	<ul style="list-style-type: none"> ▫ Releasing all relevant information about my background, acknowledging relevant mistakes I've made, and providing helpful information. 	<ul style="list-style-type: none"> ▫ Gathering all the "dirt" we can dig up on my opponents — true or false, relevant or not; ▫ Leaking the most dramatic, negative information when it can do the most damage.
D	I encourage public input and seek all sides of the story.	<ul style="list-style-type: none"> ▫ Listening to all sides of an issue, without making commitments. 	<ul style="list-style-type: none"> ▫ Only listening to the one side represented by people who have supported my election or are close friends or "insiders." 	<ul style="list-style-type: none"> ▫ Practicing fairness during my candidacy, giving my time and attention equally to all residents of the City. 	<ul style="list-style-type: none"> ▫ Rarely walking the precincts to talk with people; ▫ Only listening to a small group of people I consider influential and powerful.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
E	I make impartial decisions, using relevant and consistent criteria.	▫ Making decisions that place priority on citywide interests and approved plans.	▫ Favoring special interest groups, consultants, and those who have worked for the City.	▫ Telling advisors, consultants, supporters, donors, and others that I value their opinions and citizen opinions, but I make my own decisions.	▫ Leaving the impression with people who have endorsed me, donated money, or worked on my campaign that I am their "special friend."
F	I care for special needs and give priority to merit.	▫ Explaining to citizens how my decision responds to special needs, builds quality services, or is merit-related.	▫ Making decisions which are not consistent with precedent; ▫ Making decisions based on whim, impulse, or mood at the moment.	▫ Carefully thinking through my positions and having clear merit-based criteria for making decisions.	▫ Making decisions solely based on who can do the most for me at the moment.

MILPITAS ETHICS PROGRAM

MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

TEAMWORK

(VALUING DIVERSITY, OPEN-MINDEDNESS, COLLABORATION)

As I serve Milpitas, I emphasize teamwork. I reach out to all individuals and groups, involving them in the process, and partnering with them. I value diversity, seek differing and divergent viewpoints, and ask for and consider all opinions. I recognize that good ideas and better solutions can come from anyone.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A.	I emphasize teamwork.	<ul style="list-style-type: none"> Supporting team decisions, and being concerned about team success more than individual success; Dissenting from team decisions in a manner that honors free speech, contributes to public trust and strengthens the team. 	<ul style="list-style-type: none"> Doing whatever I can behind the scenes or in public to undermine the team effort; Keeping disagreements focused on people rather than issues; Manipulating systems and processes until things go my way. 	<ul style="list-style-type: none"> Building a strong team as my campaign group works towards a shared goal. 	<ul style="list-style-type: none"> Attacking the person rather than the issues or the record, forgetting that we will be on the same team and in the same city after the election.
B	I reach out to all individuals and groups involving them in the process.	<ul style="list-style-type: none"> Engaging in active outreach to all segments of the community, seeking their ideas and input, and inviting them to become more active members of the Community. 	<ul style="list-style-type: none"> Stereotyping, pre-judging, and working from my own unchallenged biases and assumptions; Assuming I know everything and am better than most others. 	<ul style="list-style-type: none"> Working to reach out to all segments of the community, incorporating their needs into my campaign. 	<ul style="list-style-type: none"> Only listening to people whose opinions are similar to mine; Reaching out only to groups I think can help me, and giving the impression that I've made promises to some.
C	I value partnering and cooperation.	<ul style="list-style-type: none"> Welcoming others' ideas and striving for synergistic results when considering new projects; Seeking shared ownership of projects. 	<ul style="list-style-type: none"> Listening to all new ideas as if there is something wrong with them from the very beginning; Excluding others who have important expertise to share. 	<ul style="list-style-type: none"> Seeking endorsements from organizations and individuals I respect; Supporting the <i>Ethics Code</i> and program; Cooperating with other candidates to conduct an ethical race. 	<ul style="list-style-type: none"> Caring only for myself; Partnering only when I am in charge; Appearing to cooperate, but manipulating the situation for my own advantage.
D	I value diversity and seek different viewpoints.	<ul style="list-style-type: none"> Understanding that my limited frame of reference can be expanded by others' experiences and values. 	<ul style="list-style-type: none"> Coming across as autocratic, one-track minded, and confident that I have the only answer. 	<ul style="list-style-type: none"> Welcoming and respecting diverse opinions. 	<ul style="list-style-type: none"> Dismissing diverse opinions; Thinking that anyone who disagrees with me is an idiot.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
E	I ask for and consider all opinions, recognizing that good ideas can come from anywhere.	<ul style="list-style-type: none"> Actively seeking what others think of an idea, giving them the confidence to offer their best new ideas whether I agree with them or not. 	<ul style="list-style-type: none"> Giving positive feedback only to those who agree with my pre-determined course of action; Responding to new and divergent ideas as if they were attacks on me personally. 	<ul style="list-style-type: none"> Listening to the needs of the community and taking them into consideration. 	<ul style="list-style-type: none"> Thinking I have all the answers and am always right.

MILPITAS ETHICS PROGRAM

MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

STEWARDSHIP

(ENVIRONMENTAL CONSERVATION, FISCAL RESPONSIBILITY, VISION)

As I serve Milpitas, I foster, protect, and conserve the community's financial, environmental, and cultural resources. I practice fiscal responsibility and preserve natural resources. I respect individual rights and uphold the public trust. I am committed to the long-term stability and growth of the community.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A.	I foster, protect, and conserve the community's financial, environmental, and cultural resources.	<ul style="list-style-type: none"> Conserving and protecting natural and built resources in a fair manner; Encouraging diversity and practicing personal conservation. 	<ul style="list-style-type: none"> Engaging in excessive spending without regard to environmental impacts. 	<ul style="list-style-type: none"> Being a role model for the values and behaviors of fiscal responsibility and environmental conservation in personal and professional life; Attending community events to promote and encourage others. 	<ul style="list-style-type: none"> Not practicing what I profess; Radically changing my pattern of speaking and acting three months before an election, using my current City position to campaign.
B	I practice fiscal responsibility.	<ul style="list-style-type: none"> Making sound financial decisions, in line with accepted priorities; Providing incentives and planning for contingencies and rainy days. 	<ul style="list-style-type: none"> Squandering public money; Wasting work time; Allowing undue influence from those who can help my personal wealth or provide me with special favors. 	<ul style="list-style-type: none"> Holding the costs of my campaign to a reasonable level; Filing reports and statements in a timely fashion. 	<ul style="list-style-type: none"> Hiding campaign expenditures and contributions through other means; Disregarding FPPC rules and procedures; Reporting only what I choose to report.
C	I preserve natural resources.	<ul style="list-style-type: none"> Considering environmental impacts carefully, taking both the short term and the long term view. 	<ul style="list-style-type: none"> Ignoring the environment; Always choosing the immediate financial gain over the long term interests of the community. 	<ul style="list-style-type: none"> Reducing, recycling, and reusing campaign materials; Honoring the environment. 	<ul style="list-style-type: none"> Spamming the community with printed and computer-based campaign materials.
D	I respect individual rights and protect the public trust.	<ul style="list-style-type: none"> Valuing an individual's rights to their home and their property and balancing these with a long-term concern for the City's business. 	<ul style="list-style-type: none"> Always siding with the individual over the community or vice versa. 	<ul style="list-style-type: none"> Studying the issues and basing my position on a balanced perspective; Respecting my opponent and the community. 	<ul style="list-style-type: none"> Attacking my opponents with no regard for their human rights; Focusing on the person rather than the issues.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
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E	I am committed to the long-term stability and growth of the community.	<ul style="list-style-type: none"> Considering the interests of all segments of the community in allocating funds and other resources. 	<ul style="list-style-type: none"> Opting for the status-quo; Never thinking outside the box or displaying any vision in thinking about the future. 	<ul style="list-style-type: none"> Developing a vision for the community inclusive of all segments of the community and communicating that vision effectively to citizens. 	<ul style="list-style-type: none"> Saying anything to get elected; Promoting a narrowly focused vision based on satisfying special interests.
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MILPITAS ETHICS PROGRAM
MILPITAS CODE OF ETHICS BEHAVIORAL STANDARDS

ACCOUNTABILITY

(RESPONSIBILITY)

As I serve Milpitas, I hold myself to high standards and am accountable to the public, stakeholders and other institutions. I am willing to explain my actions, give and receive criticism, accept consequences, and engage in continuous improvement.

	1 Basic Role Model Behaviors	2 City officials engage in positive behaviors such as:	3 City officials avoid negative behaviors such as:	4 Candidates engage in positive behaviors such as:	5 Candidates avoid negative behaviors such as:
A	I hold myself to high standards.	<ul style="list-style-type: none"> ▫ Honoring my commitments with due diligence; ▫ Taking responsibility for the mistakes of subordinates; ▫ Taking steps to resolve issues for the good of the community. 	<ul style="list-style-type: none"> ▫ Rarely attending follow-up meetings; ▫ Lacking commitment for projects that were not my idea; ▫ Setting low standards for myself and minimal standards for my subordinates. 	<ul style="list-style-type: none"> ▫ Only making promises I can follow through on and keep; ▫ Being prepared and knowing the issues; ▫ Not initiating unethical attacks; ▫ Responding to attacks in ways to help citizens, rather than to hurt my opponent. 	<ul style="list-style-type: none"> ▫ Making promises and never giving them another thought; ▫ Not being informed; ▫ Appearing to support the ethics effort, but believing anything goes, especially in the last week of the race.
B	I am accountable to the public and willing to explain my actions.	<ul style="list-style-type: none"> ▫ Doing my homework; ▫ Being bi-partisan and informed on topics; ▫ Offering clear and concise explanations in the face of public inquiry. 	<ul style="list-style-type: none"> ▫ Shifting the blame; ▫ Lying about my real reasons for decisions; ▫ Not being forthcoming with facts; ▫ Being mostly motivated by politics. 	<ul style="list-style-type: none"> ▫ Being prompt and accurate with campaign disclosure reports; ▫ Attending the campaign workshop and the post-election assessment session; ▫ Engaging in honest conversation. 	<ul style="list-style-type: none"> ▫ Submitting late and inaccurate FPPC reports; ▫ Skipping ethics training sessions and special meetings; ▫ Refusing to engage the public in conversation about my behavior.
C	I give and receive criticism and engage in continuous improvement.	<ul style="list-style-type: none"> ▫ Admitting mistakes; ▫ Being supportive when offering criticism to co-workers; ▫ Taking steps to learn what I need to overcome stumbling blocks. 	<ul style="list-style-type: none"> ▫ Creating an environment that makes it clear I don't want to hear bad news or any criticism at all; ▫ Believing I have no need for continuous improvement, but that everyone else does. 	<ul style="list-style-type: none"> ▫ Accepting criticism with grace; ▫ Using candor; ▫ Apologizing if warranted; ▫ Choosing not to engage in personal attacks. 	<ul style="list-style-type: none"> ▫ Blaming others; ▫ Making excuses to avoid responsibility; ▫ Refusing to admit I did anything wrong; ▫ Learning nothing from the post-election session.
D	I accept responsibility and consequences.	<ul style="list-style-type: none"> ▫ Being humble in admitting my own limitations; ▫ Taking the blame for my mistakes and accepting the consequences. 	<ul style="list-style-type: none"> ▫ Taking credit for others' accomplishments and shifting the blame to them when I'm wrong. 	<ul style="list-style-type: none"> ▫ Managing my campaign workers, signs and flyers; ▫ Giving an ethical campaign my best effort. 	<ul style="list-style-type: none"> ▫ Disregarding commitments; ▫ Acting as if I am exempt from ethical behavior; ▫ Doing only what's right for me.

RESOLUTION NO. ____

RESOLUTION AMENDING STANDARD OPERATING PROCEDURE NO. 16-01 TO RETITLE IT
THE CODE OF CONDUCT FOR PUBLIC OFFICIALS

WHEREAS, the City Council adopted a "Code of Ethics for City Officials and Employees" by Resolution No. 2714 in 1976, which became Standard Operating Procedure No. 16-01 ("SOP 16-01").

WHEREAS, SOP 16-01 is designed to provide express guidelines for city officials and employees to follow so that there is no confusion over the standard of conduct that is expected of city officials and employees.

WHEREAS, SOP 16-01 provides that persons violating it may be subject to suspension, removal from office or employment, or other disciplinary action

WHEREAS, at the beginning of 2004, the City Council engaged a consultant to involve the community in the development of a "Code of Ethics" that would apply to elected and appointed officials, candidates for City Council, and senior staff.

WHEREAS, following four code preparation workshops facilitated by the City's ethics and a recommendation from the Community Advisory Commission, the City Council adopted the Code of Ethics.

WHEREAS, the Code of Ethics sets forth positive expectations for elected and appointed officials and senior staff, and, unlike SOP 16-01, it does not apply to all city employees.

WHEREAS, in order to avoid confusion with the recently adopted Code of Ethics, it is necessary that SOP 16-01 be renamed the "Code of Conduct for Public Officials" and that certain other conforming changes be made.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the revised SOP 16-01 attached hereto and made a part of the same as though set forth herein.

PASSED AND ADOPTED this 1st day of June, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

CITY OF MILPITAS, CALIFORNIA
STANDARD OPERATING PROCEDURE

SUBJECT: CODE OF ETHICS CONDUCT FOR PUBLIC OFFICIALS

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people. The purpose of this Code of Conduct is to establish ethical standards of conduct for all such persons and to direct disclosure by such public officials and employees of private, financial or other interests in matters affecting the City. This Code is distinct from the Milpitas Code of Ethics, which applies solely to elected and appointed officials, campaign candidates, city management, and senior staff.

The municipal officials and employees of the City of Milpitas, whether elected or appointed, are "public officials and employees" within the meaning and intent of this Code.

1. Responsibilities of public office.

- a. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.
- b. Public officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State of California and to carry out impartially the laws of the nation, state, and municipality.

2. Dedicated Service.

Public officials and employees should not exceed their authority or breach law or ask others to do so and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

3. Fair and Equal Treatment.

- a. Unilateral Communications. No public official or employee should encourage, make, or accept any application or communication from any party made out of the presence and

without the knowledge of other parties in a matter under consideration when such application or communication is designed to influence an official decision or the conduct of the official or other officials, employees, or agencies in order to obtain favored treatment or special consideration to advance the personal or private interests of himself/herself or others.

Any written unilateral communication received by a public official or employee in matters where all interested parties should have equal opportunity for a hearing should be made part of the record by the recipient. Any oral unilateral communication received under such condition should be written down in substance by the recipient and also made a part of the record.

- b. Use of Public Property. No public official or employee shall request, use, or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

4. Conflict of Interest.

- a. No public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgment or action in the performance of said official duties. Personal, as distinguished from financial interests, includes an interest arising from blood or marriage relationships, personal friendships, fraternal relationships or close business or political associations.
- b. Specific conflicts of interests are enumerated below for the guidance of officials. This list is merely illustrative and not exclusive:
 - (1) Incompatible Employment. No public official or employee shall engage in or accept private employment or render services from private interests when such employment or services is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of said official duties. In the event a public official or employee should possess a financial or personal interest in any business or transaction, any presumption of conflict of interest in his/her public duties shall be removed by disclosure of the nature and extent of such investment to the proper authority for the records of said authority.
 - (2) Disclosure of Confidential Information. No public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. Nor shall they use such information to advance the financial or other private interests of themselves over others.
 - (3) Gifts and Favors. No public official or employee shall accept any gift at any time, whether in the form of a service, loan, thing, or promise, from any person, firm or corporation, which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee accept a gift, favor or thing of value that may tend to influence him/her in the discharge of his/her duties, or grant in the discharge of said duties any improper favor,

service, or thing of value. The following exceptions may be permitted with the approval of the City Manager:

- (a) A gift of candy or other perishable food items to the City or department, which is to be kept in the office area and shared by all employees;
- (b) A gift justified by a personal relationship which exists outside the realm of City business.

In situations where a public official or employee receives a gift which is extremely embarrassing to return, the City Manager's Office has draft copies of letters which might be enclosed to return the gift to the party who sent it. Anonymous gifts should be given to the City Manager's Office for disposal to a local charity if it has no useful purpose to the City.

- (4) Representing Private Interests Before City Agencies or Courts. No public official or employee whose salary is paid in whole or in part by the City shall appear in behalf of private interests before any agency of the City; nor shall they represent private interests in any action or proceeding against the interest of the City or in any litigation to which the City is a party.

- (5) Contracts with the City. The public has a right to assume that City employees are given no special advantages by virtue of their employment. Whether or not any special advantage exists, an employee's private involvement in any item bought or sold by the City is subject to criticism and misunderstanding and should be avoided. In accordance with Section 1090 of the Government Code, City officers and employees are prohibited from bidding on or buying any items offered for sale by the City. This prohibition includes:

- (a) The auction and sale of bicycles, personal property, and other items confiscated or held for safekeeping by the City; and
- (b) The use of intermediaries to purchase such items for a City of Milpitas employee.

No public official or employee shall become a vendor selling any item to the City. Further, said officials and employees shall not participate in City purchases to buy anything for themselves, friends or relatives. Nor shall City purchases be used to secure personal price advantages.

Public officials and employees are cautioned from accepting "discounts" or other advantages offered by vendors to "City Employees." While these may be legitimate business promotions from ethical businesses, employees should first ensure that they are not compromising themselves or placing the City in a potentially embarrassing position through a conflict with their official duties.

- (6) Disclosure of Interest in Legislation. Any public official or employee who appears before the City Council and has a financial or private interest in any pending City legislation should disclose such interest on the record of the City Council and thereafter abstain from participating in discussions with or giving an opinion to the Council.
- (7) City officials or employees who discover lost or stolen property should immediately turn it in to the Police Department. If the property is discovered while on duty, the official or employee is not entitled to receive unclaimed property in accordance with the Civil Code. However,

except for peace officers, unclaimed property discovered when off duty may be claimed in accordance with the law.

5. Political Activity.

In accordance with Title VI, Chapter 101, Section 18, of the City Ordinance Code, no public official or employee shall during hours of work or when dressed in a uniform required in any department of the City or when wearing any City insignia required or permitted in any department of the City or while identifying themselves as an officer or employee of the City of Milpitas, participate in any City, District, County, State, Federal, or other political activity or participate in any nomination, campaign or election.

This does not prevent any officer or employee from:

- a. Becoming or continuing to be a member of a political club or organization;
- b. Attending political meetings;
- c. Enjoying entire freedom from all interference in voting;
- d. Speaking or accepting election or appointment to public office while on leave of absence;
- e. Seeking signatures for any initiative or referendum petition directly affecting rates of pay, hours of work, retirement, civil service or other working conditions provided such activity is not carried on during hours of work;
- f. Distributing badges, pamphlets, dodgers, or hand bills or other participation in any campaign in connection with such petition if the activity is not carried on during hours of work or when dressed in the uniform required in any department of the City.

A violation of any provisions of this Code may constitute a cause for suspension, removal from office or employment or other disciplinary action.

Attachment: Resolution No. 2714

16-1/SOP/10-97

RESOLUTION NO. 2714

RESOLUTION ADOPTING A CODE OF ETHICS FOR
CITY OFFICIALS AND EMPLOYEES

WHEREAS, the City of Milpitas has virtually no written rules regarding ethical standards of conduct for officials and employees; and

WHEREAS, there is a need to provide clean-cut guidelines for City Officials and Employees so that there is no confusion over the standard of conduct that is expected of City Officials and Employees; and

WHEREAS, Officials and Employees of the City of Milpitas have historically observed the highest standards of ethical conduct and it is the desire of the City Council to maintain the highest standards of conduct.

NOW, THEREFORE, BE IT RESOLVED, that the City Council adopts the Code of Ethics attached hereto and hereby made a part of the same as though fully set forth herein.

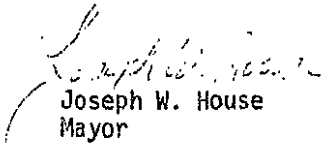
PASSED AND ADOPTED this 17th day of February, 1976, by the following vote:

AYES: COUNCILMEMBERS: Browne, Clement, Livengood, Mangin, House

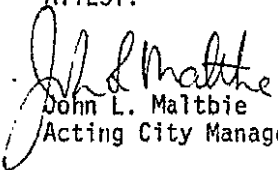
NOES: None

ABSENT: None

APPROVED:


Joseph W. House
Mayor

ATTEST:


John L. Maltbie
Acting City Manager

SEE REF. COPY, POLICY RES. 161

Making It Real

Implementation Plan for the *City of Milpitas Code of Ethics*

DEVELOPED FOR THE MILPITAS ETHICS PROGRAM

Submitted by
Tom Shanks, Ph.D.
Consultant to the City of Milpitas

12 May 2004

A. Introduction

In early March, two key questions were posed as part of the *Code Development Plan* (p. 5):

1. Can the City Council, Commissioners and Board members, the Citizens Advisory Council, other citizens, City Management, Department Heads, and other involved parties agree on a **definition and code of ethical behavior** for elected and appointed officials, those running for office, and for the City's executive staff?
2. Assuming such an agreement, can the City and all the groups to whom the Code applies **develop the habit of incorporating this Code** into everyday actions?

It was clear to all who had participated in the last Code Development Workshop on May 5, 2004, that the answer to Question 1 was "yes" (pending Council approval of the final version of the Code on June 1, 2004).

Question 2 focuses us on our next challenge: how to make the *Code of Ethics* real in the daily decisions of those to whom it applies. The goal of this implementation plan is to help the City integrate the *Code of Ethics* into the everyday actions of the City and to propose other actions the City might take to implement its *Code of Ethics* and build public trust.

B. Overview of the Implementation Plan

There are 4 key success factors for the implementation of the *Code of Ethics* in Milpitas. The key success factors are:

1. continuous practicing of the code and its values;
2. creating a positive "culture of recognition" to highlight extraordinary public service consistent with the new *Code of Ethics*;
3. developing public trust through
 - a. involvement of the public, encouraging them to hold their leaders accountable and
 - b. an effective accountability program with standard procedures and processes when people do not practice the *Code*; and
4. establishing effective and knowledgeable leadership of the program through training to
 - a. develop role models,
 - b. decision making consistent with the Code and
 - c. recognition of inconsistent behaviors to address and correct them.

These key success factors are presented below in greater detail with proposed implementation strategies (in bold type).

C. Putting the Code into Practice

Many participants came to their first workshop skeptical about the community's chances for developing a workable Code. By the end of the process, they were surprised and proud at how successful some 100 residents and senior staff could be in creating a Code every participant in the final workshop could support.

Their work puts the community in a very strong position as we begin implementation. In addition to identifying the six core values of the Code, the group developed a clear description of what those values ought to look like in practice, as well as behavioral standards for each value.

Behavioral standards were developed for those currently serving the City, as well as for those seeking public office. This detailed work makes the Code very clear and very practical right from the start.

In addition, the 100 people who participated in drafting the Code have a vested interest in promoting, maintaining, and developing it. These ambassadors really jump-start the Code's implementation and will contribute significantly to the Code's success.

This group also understands that implementing the Code can be done in simple ways. For example, throughout the workshop process participants were asked, "How well did we do at practicing the values we have been working on?" "What could we do better the next time?" The questions engaged the group in an honest and constructive self-evaluation, leading to improvements for subsequent workshops.

An important implementation activity whenever the City can practice it is to make the City's Code a regular part of the conversation – as common as discussion about the budget and city services. A simple way to do this would be: at the end of periodic Council, Board, Commission, and Staff meetings, spend a few minutes asking questions like, "How well did we do during this meeting with the values in the Code? Which were easy to practice? Which were more challenging?" These few minutes of honest reflection in a safe environment build a group's sense of itself as a team at the same time that it advances their understanding of the Code. It should also lead to improvements for subsequent meetings. Posting of the Code in rooms where these groups meet also would aid in establishing practices consistent with the Code.

D. A Culture of Recognition

The final Code Development Workshop ended with a group picture and an invitation to receive public thanks for work on the Code at the Council meeting on June 1, 2004. At that time, the City will thank those who gave up one or more evenings to help make this process successful.

In making this public thanks, the City introduces another important element in the implementation of the Code: the developing of a "culture of recognition," whose goal is to make a habit of thanking people who live the City's values in best practice.

Research is quite clear that ethics grows best in a positive environment. People become even more committed to the values and work even harder for the City when they are thanked.

The annual Board and Commission Recognition Dinner is a perfect opportunity to thank citizens, Management, and Senior Staff for extraordinary contributions as role models of the City's values. There are many ways to construct such an evening, but the basic goal is for people to receive genuine thanks and to hear the stories of individuals who face the challenges of public service with humor and conviction, give generously of their time, and work *at their best* for the good of Milpitas. In honoring them, the City continues to develop a values-centered culture.

E. Developing Public Trust

There is a clear link between accountability and public trust. Even in the absence of a written Code, the public expects that those who govern it will work for the best interests of the City and not their own individual interests; they expect honesty, fairness, and a commitment to the common good. When a public official fails in one or more of these, the public has a very effective mechanism to hold the officials accountable and that is at the ballot box.

The public also expects officials who operate on the public's behalf to hold each other accountable. This is even more the case once a City goes on the record as being committed to a specific *Code of Ethics*. Once the behaviors are made this explicit, public trust requires appropriate accountability.

Yet, ethics programs succeed only if they are positive. "Positive" means we are clear about the behaviors we expect consistent with our Code; we celebrate successes and engage in positive reinforcement; we tell stories of values-centered behavior and recognize people who went beyond our expectations.

We need to close the loop and describe what happens when people demonstrate behavior that clearly violates our basic values. What happens when people cross the line, perhaps repeatedly?

Research and common sense are clear on this point: if nothing happens to alter the "politics as usual" culture in Milpitas, the *Code of Ethics* will be a wonderful document with no teeth. Given the City's desire to affect the conduct of political campaigns this year, the recommended measures to develop public trust are designed to catch the attention of candidates and the public alike.

- 1. Conduct a workshop for candidates running for office. This workshop, to be held in early August after candidates are officially declared, would focus on how to conduct a political campaign consistent with the *Code of Ethics*. Candidates are invited to attend, along with their consultants, volunteer coordinators, family members, etc. This would be a practical workshop, exploring strategies candidates can use to conduct hard-hitting issues-oriented campaigns, consistent with the Code. The workshop should be open to the media, interested citizens, and others.**
- 2. Sponsor a post-election assessment session to hold candidates accountable for the ethics of their campaigns. Invite voters to come to this very important event in order to help shape Milpitas' future elections. The workshop will ask questions like, "How well did we do at keeping our**

promises? How did we handle the third parties who try to help us? What does the City need to do differently going forward? The workshop should be held in December or early January.

Council-attended, post-election assessment sessions, held by the CAC as part of their work plan responsibilities, could be held after all future elections to gauge the on-going effectiveness of the *Code of Ethics* in setting expectations for Milpitas elections. The results of these sessions could be reported by the CAC to Council with any recommendations for modifications to the Ethics Code and ethics program. This regular assessment and reporting of the program's effectiveness could precede and establish the framework for the review and updating process for the Code of Ethics that needs to occur once every two years.

3. **Actively seek partners who can also hold candidates accountable.** For example, in the 2002 election, the Central Democratic Committee of Santa Clara County censured one of its members for unethical behavior while campaigning for others. The Committee took this action because it had signed on as a partner with the County Campaign Ethics Foundation and agreed to hold Democratic leaders accountable for ethical behavior. In Milpitas, partners could encourage ethical campaigns or withdraw an endorsement from a candidate who acts in ways inconsistent with the *Code of Ethics*.
4. **Discourage use of the County Ethics Foundation's process.** The new City Code of Ethics makes the County Ethics Foundation Code unnecessary. Despite the Foundation's good intentions, it has inadvertently created another negative campaign strategy by giving candidates the opportunity to lodge spurious complaints just before the election in order to gain headlines.
5. **Pursue opportunities that provide citizens with information about both sides of claims made by candidates and their opponents in the last few days before the election.** Variations of such opportunities include a) sponsoring an "ad watch" program that publishes accurate information about claims made, b) providing web space for candidates and their opponents to quickly post their own claims and rebuttals and c) hosting debates between candidates. Independent, objective groups interested in providing this public service and paying attention to ethics efforts in Milpitas would be needed for this to succeed.
6. **Explore the viability of a public information program that gives voters the tools they need to independently assess the ethics of a candidate prior to voting.** The City of Santa Clara is developing such a program for their November 2004 election and has offered to share its materials. These materials do not tell citizens how or for whom to vote. They help citizens determine who pays for a mailer they've received or where it comes from, how to evaluate a comparison piece to see if it is consistent with the ethics promises candidates make, etc. The Santa Clara materials, which are still under development, encourage candidates to focus on issues citizens care about and on relevant comparisons with opponents. The information program uses available media, flyers, posters, etc. Santa Clara has offered

to make the original materials available for distribution as Milpitas sees fit.

If such a campaign is feasible in Milpitas this year, it would serve the dual purpose of introducing the new *Code of Ethics* to citizens and involving them actively in better government in Milpitas.

7. **Institute a lobbyist registry requirement and require lobbyists to disclose their relationships with candidates' campaigns and elected officials' campaigns. It is recommended that a lobbyist be defined as a person that receives at least \$500 for communicating, using any means, with City employees or officials to influence current or future City legislation or official decisions. The registry should be maintained by the City Clerk. Moderate registration and processing fees should be considered, and the registry should be posted on the City's website. San Francisco and Los Angeles are examples of cities with such programs. This measure received strong support from citizens involved in the workshops and on the citizen survey.**
8. **Consider the value of funding-related programs other cities have adopted as part of their ethics efforts, after this election cycle. These involve public campaign matching funds, voluntary expenditure limits, etc. Such programs are not possible for this election, as fundraising has already begun.**
9. **Implement a complaint process. Although the creation of an ethics review board is not recommended for efficiency and impartiality reasons, there needs to be a process to file and quickly and fairly resolve complaints related to the *Code of Ethics* and behavioral standards for those currently serving the City and those running for office. Whenever citizens are promised certain behaviors from public servants, they have a legitimate right to such treatment and to a process that reviews their experience with public servants to be sure it was consistent with the *Code of Ethics*. The specifics of this proposal need further consideration. However, if the City Council determines that in addition to the implementation measures recommended above that are centered around recognizing behavior that is consistent with the *Code of Ethics* and increasing awareness of and identifying behavior that is inconsistent, a basic complaint process could be established.**

In this process, a pool of 3, paid ethics evaluators would be hired by the City. The City Clerk would function as a clearinghouse for complaints filed against candidates, elected and appointed officials and the City Manager (complaints against Senior Staff would be handled through the City's standard disciplinary processes). These evaluators could be ethics consultants, retired judges, lawyers, arbitrators and other individuals with the credentials to review and adjudicate ethics complaints. They should not live in the City of Milpitas or vote in its elections and should be independent and impartial. Complaints would be forwarded by the City Clerk to the lead ethics evaluator who would be responsible for issuing a written decision and imposing appropriate, adopted sanctions in consultation with the pool of evaluators consistent with a clear, pre-established, transparent process.

Safeguards could be put in place to allow legitimate complaints during and after campaigns, but prevent spurious ethics charges. For example, the City of Los Angeles makes the lodging of such complaints confidential. Milpitas could establish a window around election times when such complaints were not accepted.

In certain cases involving Council Members, the ethics evaluator may recommend additional Council action. In some cases, involvement of the District Attorney or the State Fair Political Practices Commission might be considered. Sanctions should be adopted in the City's Municipal Code. Language and sanctions such as the following are recommended:

Any violation of the Code of Ethics by a member of the City Council, or by another elected or appointed official, or by a candidate for office shall constitute official misconduct. In addition to any criminal or civil penalties provided by Federal, State, or local law, any violation of the Code of Ethics shall constitute grounds for an official warning, condemnation, or censure.

F. Effective and Knowledgeable Leadership

This is the single-most important element in the success of any Code implementation. If the Council and City Manager are not credible role models for the Code, it will be difficult to expect anyone else to follow it or practice its values. For credible ethical leadership, the public must believe that three things are happening simultaneously: 1.) the Council and the Manager must be visible role models for the City's values, 2.) all decisions should be consistent with the *Code of Ethics* and 3.) stumbling blocks and behaviors that are not consistent with the Code are systematically addressed and changed. To accomplish this, the following is recommended:

For the Council:

- 1. A required workshop titled, *Communicating Ethics: Building Trust and Mutual Respect*. In this workshop, the Council would be encouraged to clear the air. The workshop would also focus on how to be role models for the Code of Ethics and discuss how to campaign ethically or help others campaign ethically and skills for communicating about ethics. (June)**
- 2. A required workshop titled, *At Our Best: Ethical Decision-Making*. This workshop would address stumbling blocks, focus on difficult decisions and introduce case-based ethics decision-making process. (November)**
- 3. *Feedback Sessions*: Consultant attends two Council meetings and either in person or in writing reports to Council on strengths and opportunities to advance Ethics Code during regular Council meetings. (July, December/January)**

For the City Manager and Senior Staff:

1. The consultant would observe two regular staff meetings for the purpose of designing Code Training tailored to the Senior Staff (Summer)
2. One required workshop with Senior Staff patterned after Council Workshop 1 above. (September)
3. One required workshop patterned after Council Workshop 2 above. (October)

For Board and Commission members:

1. A required workshop titled, *At Our Best: Building Public Trust as a Commissioner*. This workshop would introduce the Code of Ethics and its application to the work of the Boards and Commissions. (October – December)

After completing the required workshop(s), the elected and appointed officials and senior staff would be expected to sign a statement indicating they had received the *Code of Ethics* and understand its expectations. Lastly, recurring sessions of the above training workshops need to be conducted regularly for newly appointed and elected officials, as well as new senior staff members.